



KIM M. SMITH
CIRCUIT JUDGE

STATE OF ARKANSAS

FOURTH JUDICIAL CIRCUIT - SECOND DIVISION
WASHINGTON COUNTY COURTHOUSE
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August 21, 2007

Chief Justice Jim Hannah
Supreme Court of Arkansas
Justice Building
625 Marshall
Little Rock, AR 72201

RE: Administrative Order Number 14
Amended Fourth Judicial Circuit Administrative Plan

Dear Chief Justice:

To fully comply with Administrative Order Number 14 and to recognize the untimely illness and retirement of Judge Michael H. Mashburn, the judges of the Fourth Judicial Circuit have agreed to the implementation, on January 1st, 2008, of the amended administrative plan as contained in this letter. Each judge recognizes his or her duty and obligation to hear cases on subject matters outside his or her own subject matter areas, especially in the absence of another judge. During the past 5 years every judge in the district has heard a case outside of his or her assigned areas. We have a standing rule that all judges will consider a protective order when the assigned judge is out of the district or on the bench. Therefore, the petitioners do not have to wait for the assigned judge to return to the district or be on a recess to have their petition considered.

One of the responsibilities of Judge Kim Smith, the Administrative Judge, is to assign a case to another judge in the circuit when there has been a recusal by the judge randomly assigned. In the year 2003, there were 40 such assignments, in the year 2004, 44 such assignments, in the year 2005, 36 such assignments and in the year 2006, there were 49 such assignments. Only one judge was assigned from outside the district during the last 2 years. This reflects the judges' recognition of their obligation and duty to preside over cases in the absence of, or recusal of, another judge in the circuit.

We have attempted to evenly distribute the judicial caseload in the Fourth Judicial Circuit and recognize that after implementation of the plan it may need to be altered to more equally divide the workload. To best utilize the judicial resources and the availability of prosecutors, public defenders, and juvenile court personnel, each judge is of the opinion that this plan will best utilize those resources in the Fourth Judicial Circuit and provide timely judicial services to the citizens of the Fourth Judicial Circuit.

The Honorable William A. Storey presides over the First Division and will preside over all criminal cases other than "Drug Court" cases and hot check cases, in both Washington and Madison counties. The estimate of projected case filings in 2008 for Judge Storey is 2,185 criminal cases in Washington County and 81 criminal cases in Madison County. Some of the criminal cases will involve defendants who have not been arrested and are therefore not active cases.

The Honorable Kim M. Smith presides over the Second Division and will be randomly assigned and preside over forty-five percent (45%) of the civil cases filed in both Washington and Madison County and all hot check cases filed in both counties. He will also have the responsibility of implementing our administrative plan and will have the responsibility of reviewing statistics in the circuit to ensure that we are effectively using our judicial resources. Judge Smith also has the responsibility of reviewing the case loads to ensure an equal distribution of cases to each judge and the responsibility of assigning cases upon the recusal of a judge. In addition to the administrative duties the projected case load filings in 2008 for Judge Smith is 461 criminal cases and 1,425 civil cases for the circuit.

The Honorable Stacey A. Zimmerman presides over the Third Division of the Fourth Judicial Circuit and will preside over all juvenile subject matter cases in both Washington and Madison Counties and shall be available for any other subject matter cases upon recusal of other judges in the Fourth Judicial Circuit. The assignment of all juvenile cases to Judge Zimmerman is required due to the unusual physical plant layout of the courtrooms and facilities in Washington County. Judge Zimmerman's chambers, the juvenile courtroom, detention facilities, probation offices, intake offices and other staff offices of the juvenile court are all housed in a facility approximately four miles from the Washington County Courthouse. All judges of this circuit are in agreement as to the assignment of juvenile cases to Judge Zimmerman, as is it Judge Zimmerman's desire to preside over all the juvenile cases. Other judges in the district have filled in for Judge Zimmerman in her courtroom and have taken juvenile cases on assignment.

Judge Zimmerman has heard cases in almost all of the other divisions of circuit court and Judge Zimmerman will also hear one-third of the paternity cases filed in the domestic relations division. The estimate of the projected caseload filings in 2008 for Judge Zimmerman is 1,184 juvenile cases in Washington County and 63 juvenile cases in Madison County and 50 paternity cases in the circuit.

The Honorable Mary Ann Gunn presides over the Fourth Division and shall be responsible for all cases assigned to the Drug Court in both Washington and Madison County. Judge Gunn will also be randomly assigned twenty-five percent (25%) percent of the civil cases and twenty percent (20%) of the domestic relations cases in both Washington and Madison counties. The estimate of the projected caseload filings in 2008 for Judge Gunn is 222 criminal cases including approximately 150 drug court cases, 723 civil cases, and 454 domestic relation cases in Washington County, and 5 criminal cases, 69 civil cases, and 34 domestic relation cases in Madison County.

The Honorable Gary L. Carson presides over the Fifth Division of the Fourth Judicial Circuit, and shall be randomly assigned fifteen percent (15%) of the civil cases, forty percent (40%) of the domestic relations cases, and fifty percent (50%) of the probate cases in both Washington and Madison counties. Judge Carson will also hear one-third of the paternity cases in the circuit. The estimate of the projected caseload filings in 2008 for Judge Carson is 434 civil cases, 909 domestic relation cases and 389 probate cases in Washington County, and 41 civil cases, 67 domestic relation cases and 35 probate cases in Madison County.

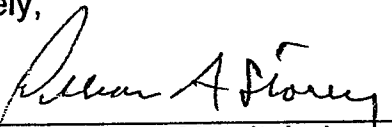
The Honorable Mark Lindsay, judge of the Sixth Division, shall be randomly assigned fifteen percent (15%) of the civil cases, forty percent (40%) of the domestic relations cases, and fifty percent (50%) of the probate cases in both Washington and Madison counties. Judge Lindsay will also hear one-third of the paternity cases in the circuit. The estimate of the projected caseload filings in 2008 for Judge Lindsay is 434 civil cases, 909 domestic relation cases and 389 probate cases in Washington County, and 41 civil cases, 67 domestic relation cases and 35 probate cases in Madison County.

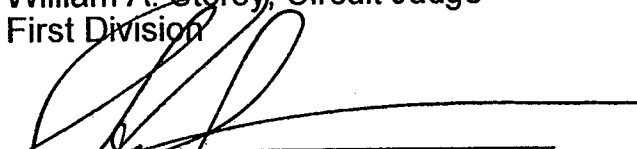
The circuit judges of the Fourth Judicial Circuit have been meeting on a quarterly basis during the year to discuss caseload distribution and other matters that affect the efficient administration of justice in Washington and Madison counties.

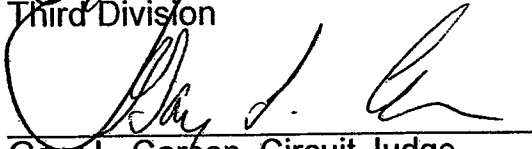
Other than Drug Court cases, criminal hot check cases and juvenile cases, all other subject matter cases will continue to be assigned randomly. Currently the circuit clerks in both counties are using poker chips to blindly select a judge to assign a case according to the percentages provided in the administrative plan and the administrative judge has emphasized to them the importance of a random selection for each case.

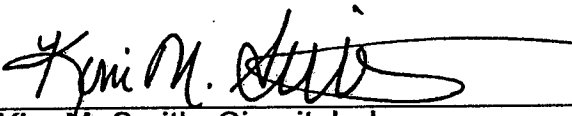
The judges of the Fourth Judicial Circuit present this plan to the Supreme Court for approval and would welcome any questions concerning the plan or its implementation.

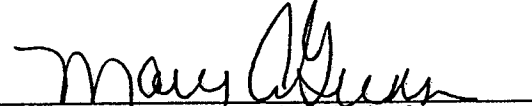
Sincerely,

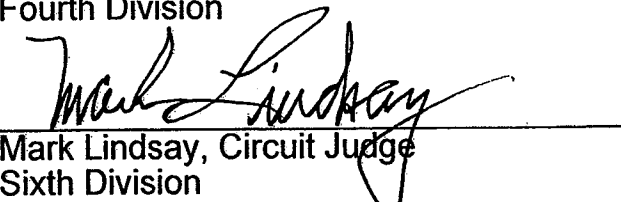

William A. Storey, Circuit Judge
First Division


Stacey A. Zimmerman, Circuit Judge
Third Division


Gary L. Carson, Circuit Judge
Fifth Division


Kim M. Smith, Circuit Judge
Second Division


Mary Ann Gunn, Circuit Judge
Fourth Division


Mark Lindsay, Circuit Judge
Sixth Division